IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Junji Kobayashi, et al.

Serial No.:	10/662,340	Group Art Unit:	1756
Filed:	September 16, 2003	Examiner:	Janis L. Dote

For: ELECTROSTATIC CHARGE IMAGE DEVELOPING TONER AND IMAGE FORMING APPARATUS USING THE SAME

DECLARATION UNDER 37 C.F.R. § 1.132

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Junji Kobayashi, Hirobumi Ouchi, Shigenori Yaguchi, Ryuuichi Shimizu and Tsuneaki Kawanishi, hereby declare and state:

THAT we are citizens of Japan residing at Ibaraki, Japan;

THAT we graduated from Tohoku University, Ibaraki University, Chuo University, a technical high school, and Shizuoka University, receiving a Bachelor of Engineering degree, a Bachelor of Engineering degree, a Bachelor of Engineering degree, a technical high school diploma, and a Master of Engineering degree, respectively;

THAT we are familiar with the Office Action dated January 12, 2007, where the Examiner objected to the amendment to the Specification filed on December 9, 2004 as allegedly introducing new matter into the Specification at page 29, line 12;

THAT we are co-inventors of the above-identified application;

With respect to the amendment to the specification, we state and declare that the original recitation of 85 wt% for binder resin in the Specification was a typographical error

and that the correct weight percentage for the binder resin should have been recited as 84 wt% binder resin. We fully intended for the original specification to recite 84 wt%. Furthermore, we state and declare that the amendment to the Specification filed on December 9, 2004, replacing 85 wt% with 84 wt% merely corrected an obvious typographical error.

Indeed, we have attached herein Reference 1 and Reference 2 which include our experimental data illustrating that the correct value for the weight percentage of the binder resin is 84%. Specifically, B248 corresponds to Example 5 of the Application and B250 corresponds to Example 4 of the Application. Both B248 and B250 have a 84% of the resin (i.e., which is the intended correct value).

Therefore, we disagree with the Examiner's allegation that the amendment to the Specification filed on December 9, 2004 introduced new matter into the Specification. Indeed, in view of the experimental data depicted in Reference 1 and Reference 2, it is clear that the recitation of 85wt% was clearly a typographical error.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

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Junji Kobayashi

Date: _____

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Hirobumi Ouchi

Date: _____

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Shigenori Yaguchi

Date: _____

_____
Ryuuichi Shimizu

Date: _____

_____
Tsuneaki Kawanishi